

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on October 6, 2003, and the references cited therewith.

The title of the present application is amended to a title that more accurately describes the claims subject matter. Entry of this amendment is respectfully requested.

Claims 1, 3, 9, 19, 25-26, 30, 39, 45, and 47-48 are amended, no claims are canceled, and claims 51-60 are added; as a result, claims 1-60 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3, 7-9, 12-14, 17-19, 21, 24, 30-37, 39-40, 43 and 45 were rejected under 35 USC § 102(b) as being anticipated by Logan et al. (“Logan”).

Applicant respectfully traverses the assertion of the Office Action that claim 1 is anticipated by Logan. However, Applicant has amended independent claim 1 to clarify the claim. This amendment clarifies the allowability of the claim over Logan.

For example, claim 1 now recites, “maintaining a database of syndicated content, wherein the database includes information representative of syndication broadcast agreements. . .” and “selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data in relation to the information representative of syndication broadcast agreements. . . .” Logan provides an audio program and message distribution system in which a host system organizes and transmits programs to client locations over the Internet. Logan, Abstract; col. 1, lines 6-10, 39-46; col. 2, lines 63-67. However, Logan fails to even contemplate a database that includes information representative of syndication broadcast agreements.

Thus, Applicant respectfully submits that amended independent claim 1 is in condition for allowance. Reconsideration and withdrawal of the § 102(b) rejection of claim 1 is respectfully requested.

Independent claims 9, 19, 30, 39, and 45 have also been amended to clarify the claims. These claims include similar elements to amended independent claim 1 and are allowable for at least the same reasons. Reconsideration and withdrawal of the § 102(b) rejection of claims 9, 19, 30, 39, and 45 is respectfully requested.

Claims 2-3, 7-8, 12-14, 17-18, 21, 24, 31-37, 40 and 43 depend, directly or indirectly, from amended independent claims 1, 9, 19, 30, 39, or 45 and are allowable at least for the reasons above plus the elements of the claims. Reconsideration and withdrawal of the § 102(b) rejection of claims 2-3, 7-8, 12-14, 17-18, 21, 24, 31-37, 40 and 43 is respectfully requested.

§103 Rejection of the Claims

Claims 4-6, 10-11, 15-16, 20, 22-23, 25-29, 38, 41-42, 44, and 46-50 were rejected under 35 USC § 103(a) as being obvious over Logan et al.

Claims 4-6, 10-11, 15-16, 20, 22-23, 38, 41-42, 44, and 46 depend, directly or indirectly, from allowable amended independent claims 1, 9, 19, 30, 39, or 45 and are allowable at least for the reasons above with regard to the § 102(b) rejection plus the elements of the claims.

Further, independent claims 25, 47, and 48 have been amended to clarify the claims to the extent that advertisements distributed with media content are selected based on various factors including information representative of syndicated broadcast agreements. In contrast, Logan provides an audio program and message distribution system in which a host system organizes and transmits programs to client locations over the Internet. Logan, Abstract; col. 1, lines 6-10, 39-46; col. 2, lines 63-67. However, Logan fails to even contemplate a database that includes information representative of syndication broadcast agreements. Thus, applicant respectfully submits that amended independent claims 25, 47, and 48 are in form for allowance.

Additionally, claims 26-29 and 49-50 depend, directly or indirectly, from allowable amended independent claims 25 and 48, and are allowable for at least the same reasons, plus the elements of the claims.

Thus, applicant respectfully submits that claims 4-6, 10-11, 15-16, 20, 22-23, 25-29, 38, 41-42, 44, and 46-50 are in allowable form. Reconsideration and withdrawal of the § 103(a) rejections is respectfully requested.

Conclusion

Applicant respectfully submits that the claims 1-60 are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6902 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

ADAM G. SOUTHAM ET AL.

By their Representatives,

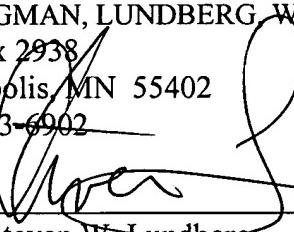
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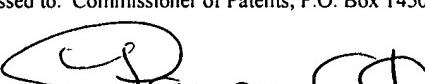

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Date 4/6/2004

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6th day of April, 2004.

PATRICIA A. HULTMAN

Name


Signature